



## ESO NEWSWIRE

Summer 2003

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### SPECIAL POINTS OF INTEREST

- Maine is the 4th Oldest State in the Nation
- Over 100 officers have joined the Elder Service Officer Program since it's inception in 1999.

## SOUND TO GOOD TO BE TRUE? CHECK IT OUT!

BY BETSY CANTRELL

Protecting seniors from frauds and scams and victimization by unethical practices is a major task for law enforcement professionals and others who work with and for older persons. A new tool is now available: a brand new campaign called *Check It Out*. This campaign was launched on May 2 and is expected to make a dramatic difference for seniors statewide.

The purpose is to reduce victimization of seniors - and others - who are pressured into hasty decisions and agree to make large purchases, cooperate with telemarketers, contribute to charities, contract for home repairs, or make other transactions which are fraudulent or unwise.

*Check It Out* is a cooperative effort of local law enforcement, the Office of the Attorney General, Area Agencies on Aging, Legal Services for the Elderly, the Maine Chiefs of Police and Sheriffs, AARP, and the Bureau of Elder and Adult Services. Representatives of each of these organizations have agreed that it is necessary to have a system for seniors to access in order to make wise financial decisions.

Realizing that Maine residents, especially seniors, are frequently the target of scams or pressured into making hasty decisions by skilled but possibly unscrupulous telemarketers and sales persons, those working on the *Check It Out* campaign are urging seniors to call the *Check It Out* service by calling 1-877-Elders-1 (a toll-free hotline available during business hours) to get additional input and advice. They encourage seniors to make the simple phrase, "I need to Check It Out," second nature as a response to disengage and delay.

Seniors who call 1-877-353-3377 will be connected with their local Agency on Aging where trained specialists are available with independent advice. If the caller needs further advice or law enforcement assistance, the specialist will connect the caller with the appropriate resource such as the Attorney General's Consumer Protection Division, Legal Services for the Elderly, or a local law enforcement agency.

*Check It Out* is a tool for education, protection, advice, and support. As we all deliver this message, it can be the means of reducing victimization of seniors.



(L to R) Ricker Hamilton & Rick Mooers, BEAS; Maine Attorney General Steven Rowe; Governor John Baldacci; Officer Paul Gaspar, Cape Elizabeth Police Dept.; Detective Michael Webber, Office of the Attorney General; Betsy Cantrell, & Judd Dolphin, AARP.

## ATTORNEY GENERAL LAUDED FOR HIS WORK IN THE PREVENTION OF ELDER ABUSE

At the annual Triad Summit, which was held on May 2nd at Husson College in Bangor, Attorney General Steven Rowe was recognized for his dedication to the prevention and investigation of elder abuse, neglect and exploitation. The award was given by the Triad Steering Committee. Ricker Hamilton, chairman of the committee, presented the award. Hamilton highlighted the many programs which are supported by Attorney Rowe including Triad, the Elder Service Officer Program, and most recently the Maine Elder Death Analysis Review Team. Attorney General Rowe is Maine's 54th Attorney General and has made the prevention and response to elder abuse one of the top priorities of the Office of Attorney General. Attorney General Rowe is currently working with a committee to host a day long conference on Elder Abuse planned for May of 2004.



*Attorney General Steven Rowe, (right) Ricker Hamilton, (left) TRIAD Steering Committee Chairman*

## LAW ENFORCEMENT AND MANDATORY REPORTING OF ELDER ABUSE

Adult Protective Services, a division of the Department of Human Services, Bureau of Elder and Adult Services, ( <http://www.maine.gov/dhs/beas/> ) received approximately 3000 referrals on it's hotline in 2002. Of those referrals, only 83, approximately 3%, were made by law enforcement officers. .

According to the 2003-2005 Maine Law Enforcement Officers Manual (page 26-20):

### **22 M.R.S.A. §3477**

If a law enforcement official, while acting in a professional capacity, suspects that an adult has been abused, neglected or exploited and has reasonable cause to suspect that the adult is "incapacitated" or "dependent," the official shall immediately report or cause a report to be made to the Department of Human Services.

Reports regarding abuse, neglect or exploitation shall be made by telephone to the department (APS) and shall be followed by a written report within 48 hours if requested by the department. The reports shall contain the name and address of the involved adult; information regarding the nature and extent of the abuse, neglect or exploitation; the source of the report; the person making the report; the persons occupation; and where the person can be contacted. The report may contain other information which the reporter believes may be helpful.

APS Investigates allegations of abuse, neglect or exploitation of adults age 18 and older. APS provides protective services, and petitions Probate Court to become public guardian or conservator for incapacitated individuals who cannot direct their own affairs. APS manages assets of public wards and develops specialized housing and other services. Officers may make a report by calling a 24 hour hotline at 1-800-624-8404.

## MAINE CHOSEN TO PILOT ELDER DEATH REVIEW PANEL

Late last year, representatives from the Office of the Attorney General and the Bureau of Elder and Adult Services undertook plans to form a group to review deaths and cases of serious bodily injury associated with suspected abuse and neglect of elderly and vulnerable adults. The group is called the Maine Elder Death Analysis Review Team (MEDART).

The purpose of the group is to review deaths and cases of serious bodily injury related to, or caused by, abuse and neglect, and to identify whether systems that have as their purpose or responsibility to assist or protect victims were sufficient for the particular circumstances, or whether such systems require adjustment or improvement. The group wants to act as a catalyst for system changes that will improve the response to victims and prevent similar outcomes in the future.

The Maine Elder Death Analysis Review Team has received a small, one year grant from the Victims of Crime Act program of the U.S. Department of Justice to cover administrative costs for the group. Maine is one of four pilot sites in the United States to host this innovative program.

The team includes representation from DHS Licensing and Certification, the State Police, the Office of the Chief Medical Examiner, the Long Term Care Ombudsman Program, and the Maine Chiefs, Sheriffs and Prosecutors Associations. These members, along with representatives from the Office of the Attorney General and the Bureau of Elder and Adult Services make up the group.

In April 2003, legislation was introduced (LD 1211) to recognize the team, its composition, duties and powers, and issues surrounding confidentiality and access to records. The bill made it through the legislature and was signed into law in June by Governor Baldacci.

If you have any questions about the team, its membership and goals, please contact Ricker Hamilton, Chair, at 207-822-2150 or ricker.hamilton@maine.gov. You may also contact Michael Webber, Vice-Chair, at 626-8594 or michael.l.webber@maine.gov.

According to Attorney General Steven Rowe, the Maine Elder Death Analysis Review Team “is a crucial step toward preventing elder mistreatment. The team’s work will undoubtedly prevent future deaths by identifying systems which need improvement and implementing programs which will recognize the early warning signs of abuse, neglect or exploitation.”

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## Two New Members Join the ESO Steering Committee

The elder services officers program is a service-based initiative. In an effort to maintain the effectiveness of the Office of Attorney General's Elder Service Officer Program, a steering committee made up of representatives of Northern, Central and Southern Maine law enforcement was created in 1999 to guide the program. Current members include Community Liaison Officer Paul Gaspar of the Cape Elizabeth Police Department, Lieutenant Bob Walsh of the Cumberland County Sheriffs Department, Officer Bob Libby of the South Portland Police Department and Ricker Hamilton, Protective Program Administrator for the Bureau of Elder and Adult Services. Detective Mike Webber of the Office of the Attorney General coordinates the program.

In May of 2003, two new members were appointed to the committee, Detective Steven MacCallum of the Lewiston Police Department and Detective Kathy Rumsey of the Bangor Police Department. Steve is a veteran officer and served with MDEA prior to being promoted to Detective. He is one of two ESOs at the Lewiston Police Department. Detective Rumsey, also a veteran law enforcement officer, joined the ESO program just over two years ago and is also a polygraph examiner. Among her many projects, Detective Rumsey is working on creating an Alzheimer's registration program for Bangor.

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## Police Say Ring Trying to Take Advantage of Seniors

Lewiston Sun Journal February 28, 2003

**For more information on the laws regarding door to door sales, visit the Office of Attorney Generals web site and view the transient seller guide.**

**<http://www.maine.gov/ag/?r=clg&s=chap13>**

**Over 12,000 Mainers are victims of elder abuse each year. Of those cases, over 84% are not reported to police.**

**From 1999 to 2002, the Maine Office of the Attorney General investigated cases of financial exploitation totaling over \$2,007,938**

Oxford County Sheriff's Deputy Justin Brown said his arrest Thursday of a Gray man may lead to the downfall of a statewide ring of scam artists preying on the elderly. Dennis Phillipo, 26, is charged with forgery, fraud and theft in connection with tree-limbing work for an elderly Waterford couple last month. "He admitted to working around here," Brown said, "and claims he didn't know what he was doing was wrong."

Brown also arrested Danny Paquette, 22, of Buxton on Feb. 17 in connection with the case, charging him with theft.

Brown said Wilson is accused of approaching an elderly couple saying he represented the town in a tree-limb cutting program. He would tell them that they had to pay \$37.50 to split the cost with the town, he said.

The deputy said the same method of operation was used statewide. Through conversations with other law enforcement agencies, he learned this type scam has been operating in Lewiston, Auburn, Skowhegan, Bangor, Bridgton and Casco.

"They would request blank checks," Brown said. "When they saw that a lot of elderly couldn't fill out checks very well, they would be quick to help. When they got the check they would fill it in for larger amount than what was agreed upon."

Brown said the scam artists were bold enough to go back and ask for another check if the first one they forged was too large to clear.

"I've been working on this case for a month straight," Brown said. "It all started with a name on the back of a check. I just put the pieces together from there."

"When I get all my information in place, I will give it to the other departments; then it's up to them to bring up the charges."

Brown estimates that statewide there are hundreds of Mainers who have been bilked by the fraud ring.

He said he is aware of checks in the \$20,000 range that have been cashed. [jmedley@sunjournal.com](mailto:jmedley@sunjournal.com)

## Portland Man Indicted in Case of Financial Exploitation

Robert Horrigan, of Portland, Maine, was arrested by detectives from the Maine Office of the Attorney General in January 2003 after being indicted by the Cumberland County Grand Jury in December of 2002. Charges included a count of Theft by Deception, Class B and Endangering the Welfare of a Dependent Person, Class D. Horrigan is alleged to have stolen in excess of \$18,000 from his elderly mother over a three -year period.

Horrigan was released after pleading not guilty at his February 4th arraignment, but was re-arrested in March of 2003 when he violated the terms of his pre-trial release. He is currently awaiting trial.

## 34 YEAR OLD WOMAN CONVICTED OF EXPLOITING HER GRANDMOTHER

***The National Criminal Justice Reference Service offers a wealth of reports regarding law enforcement and elder abuse. Reports may be downloaded or printed online.***

***One recent addition is "F.A.S.T." Financial Abuse Specialist Training. This video, which may be ordered free of charge, details the work of Santa Clara Counties work on preventing financial exploitation of the elderly. It is designed to educate views about all aspects of elder financial abuse.***

***Publications may be viewed and or ordered by visiting their website at:  
<http://virlib.ncjrs.org/>***

In February of 2003, Elizabeth Durgan, 34, pled guilty in Lincoln County Superior Court to one count of Misuse of Entrusted Property, Class D, and one count of Theft, Class D. Durgan was indicted in 2002 by the Lincoln County Grand Jury for her alleged role in the theft of over \$120,000 from her elderly grandmother. Durgan had served as Power of Attorney for her grandmother and committed the offense over a three-year period.

Durgan was sentenced to 364 days in jail, with all but 20 days suspended. She was ordered to pay her grandmother \$40,000 in restitution. A separate civil action resulted in a judgment of another \$40,000 in restitution, also to be paid to the victim.

This conviction was a result of hard work, and many long hours, put forth by Mark Walsh, founder of the ESO program in Maine and a former Detective with the Office of the Attorney General, and Detective Sergeant Michael Murphy of the Lincoln County Sheriff's Department, also a member of the ESO program.

## PLANS CONTINUE FOR SEPTEMBER ELDER SERVICE OFFICER TRAINING

The Elder Service Officer Steering Committee continues to work on a three day Elder Service Officer certification program that is being planned for September at the Maine Criminal Justice Academy in Vassalboro. The focus of the program will be the response and investigation of elder abuse, neglect and financial exploitation. Upon completion of the course, attendees may be offered the opportunity to obtain certification through a testing process. Instructors may include representatives from the Office of the Attorney General, the Bureau of Elder and Adult Services, Legal Services for the Elderly, the Center for Healthy Aging, the Maine Community Policing Institute, the Office of the Chief Medical Examiner, and the Cape Elizabeth Police Department.

A similar course was offered in 2001. Over 50 officers and APS case workers attended a similar course at the Maine Criminal Justice Academy. The reviews were excellent and the course was well received. Interested officers may contact the Maine Criminal Justice Academy for registration.

An abbreviated version of this course (2 hours) has been offered to cadets at the Maine Criminal Justice Academy for nearly two years. Cadets are provided introductory information on responding to elder abuse and their role as mandated reporters. The training is provided by instructors from the Bureau of Elder and Adult Services and the Office of the Attorney General. For more information on the above classes, please contact Detective Mike Webber at 626-8594 or by email at [michael.l.webber@maine.gov](mailto:michael.l.webber@maine.gov).

### Proposed Topics

- Understanding the Scope and Nature of Elder Abuse
- The Aging Process
- Civil and Criminal Remedies
- Elder Financial Exploitation and Consumer Fraud
- Understanding Alzheimer's Disease
- Community Policing and Prevention of Elder Abuse
- A Forensic Look at Elder Abuse
- Identity Theft



32 M.R.S.A. §§  
14701-14716

The Transient Sellers Act states that if the seller does not have a permanent place of business in Maine where you can contact him (a home or building owned or held under a 12-month lease or rental agreement), then the seller must apply for a state license. The seller is *required to carry a copy of this license* with him during his door-to-door selling trips. Any advertisement of a transient seller in Maine must display the seller's license number. This law does not apply to sales worth less than \$25 or to sales of food or to sellers of such regulated products as goods, insurance, bank services (e.g., credit cards).

You may view the entire door to door sellers guide by visiting the Office of the Attorney General's web site at

<http://www.maine.gov/ag/?r=clg&s=chap13>

## Police Caution Elderly on Scam

*By David Hench, Portland Press Herald Writer  
Portland Press Herald Online July 8, 2003*

Portland police are warning of a recent home repair scheme where young men posing as handymen steal checks from the elderly, a ploy that cost one woman \$20,000.

At least three times since the spring, residents of the city's Rosemont section reported to police that men offering to do work around the house stole personal checks and tried to cash them.

Victims typically don't discover the scam until they receive their bank statement or bounce a check, said Lt. Vern Malloch, head of the criminal investigation division.

"It's not a new scheme but it hasn't been around for a while," Malloch said.

The department is using its Policewatch e-mail system to notify residents and using its reverse 911 system to alert residents in the Rosemont area with a recorded message over the telephone.

Some so-called "paving scams" involve elderly customers being overcharged for home repair work that is done poorly or not completed.

In the recent cases, the work is done but the men typically find some reason to enter the person's home - to use the bathroom, get a drink or make a telephone call - and while the resident is distracted, the con man's partner removes checks from the checkbook.

Sometimes the men return after the job, purportedly to check on the quality of the work and to make sure the customer is satisfied, Malloch said.

In March, two men in their early 20s offered to shovel a woman's driveway. She later discovered \$3,000 missing from her checking account.

Last month, a 92-year-old woman lost \$20,000 after two men offering to seal her driveway stole a number of checks, Malloch said.

An 80-year-old man almost fell victim to the same scam from two young men sealing his driveway, but his bank checked with him before authorizing payment on a \$2,800 check.

Detective Michael Webber, who investigates crimes against the elderly for the Attorney General's office, said anyone suggesting they can do minor home repairs - driveway sealing, chimney repairs, trimming tree limbs - needs state and local permits before soliciting door-to-door. He said a reputable worker won't mind being checked on.

Before signing major contracts or responding to solicitations, residents should call 1-877-353-3771 to be connected to their local Agency on Aging. The agency can help answer questions about financial transactions and contact local authorities when appropriate, Webber said.

Anyone who thinks they may have been targeted by the thieves should call Portland police at 874-8517.

David Hench can be contacted at 791-6327 or at: [dhench@pressherald.com](mailto:dhench@pressherald.com)

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Maine Office of the  
Attorney General  
Elder Service Officer  
Program

Contact: Detective  
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.gov.

**ESO**—The Maine Attorney General's Elder Service Officer Program (formerly Elder Crime Contact Officer Program) was created in the Spring of 1999. The Maine Attorney General asked each law enforcement agency head to designate an officer or officers who would be amenable to receiving enhanced training regarding elder related law enforcement topics. The voluntary program was designed to fill a need that was forecast due to the expected increase in population of citizens over the age of 65. Over 100 Maine law enforcement officers responded and many of them have attended trainings designed to enhance their abilities to respond more effectively and efficiently to the special needs of older Maine residents. For more information, please contact Detective Michael Webber at the Maine Department of the Attorney General, 626-8594.

## ESO PROFILE: CUMBERLAND COUNTY'S LT. BOB WALSH

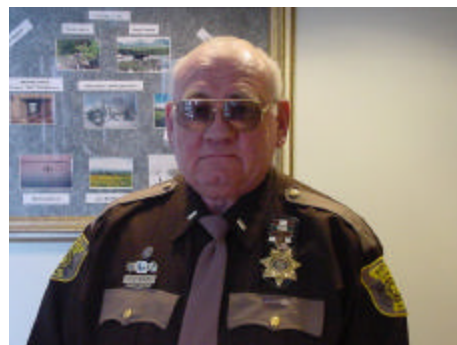
*(Note— Lieutenant Bob Walsh has been part of the ESO Steering Committee since it's inception, and is very involved in improving the program.)*

### **How long have you been a Police Officer and what is your background?**

I graduated from Maine Maritime Academy in 1960 and was at sea until 1968. I joined the Suffolk County, New York, Sheriff's Department in 1968, but left in 1969 to work as a special agent for the Office of Naval Intelligence. In 1971, I became a detective with the Waterfront Commission of N.Y. Harbor & worked on the Brooklyn Piers. I moved to Maine in 1978 and worked as Police Chief on Vinalhaven Island. In 1980, I joined the Cumberland County Sheriff's Department where I have since served the department as a patrol officer, detective, corporal, sergeant, staff sergeant and lieutenant.

### **What do you enjoy about working in police/elder issues?**

I enjoy working with elder issues as I am a senior citizen myself. I find it a great pleasure to talk with my elder peers. I know I am helping them and giving them good information, but most of all I am



*Lieutenant Bob Walsh of the Cumberland  
County Sheriff's Department*

getting good information from them as I follow in their footsteps. I believe officers from the law enforcement field and from other agencies that assist the elderly are engaged in a good cause.

Not only do we get to effect their lives, but they also impact ours in so many ways. They are all great and I have learned so much from being able to associate with them. I hope that more Sheriffs and Chiefs will see the value in increased service to elders, I know that my Sheriff Mark Dion is fully committed to the cause.

I am pleased so many young officers are getting involved and taking interest in seniors. As I always " we are following close behind."